

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1  
Eastern Division**

United States of America

Plaintiff,

v.

Case No.: 1:23-cv-15813

Honorable John F. Kness

Koch Foods Incorporated

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Monday, February 12, 2024:

MINUTE entry before the Honorable John F. Kness: Before the Court is the "United States' Unopposed Motion and Memorandum in Support of Entry of Final Judgment and to Vacate Procedural Order" (Dkt. [21]), which seeks approval of a detailed proposed consent judgment (a draft of which was provided to the Court via email). Through a "Certificate of Compliance" [21–1], the United States, as Plaintiff, has confirmed that it has complied with the Antitrust Procedures and Penalties Act ("APPA") (15 U.S.C. § 16) (the "Tunney Act"). In particular, Plaintiff confirms that it caused to be published a summary of the terms of the proposed Final Judgment and Competitive Impact Statement for the statutorily–required 60 days; the 60–day comment period specified in 15 U.S.C. § 16(b) has ended; and the United States "received no comments from members of the public concerning the proposed Final Judgment." (Dkt. [61–1] at 2.) In addition, Plaintiff has submitted a comprehensive "Competitive Impact Statement" (CIS) (Dkt. [15]) that analyzes two considerations this Court is required to address when presented with a relevant proposed consent decree: (1) the "competitive impact of such judgment"; and (2) the "impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial." (15 U.S.C. § 16(e)(1)(A) & (B).) Following its limited and deferential review under the Tunney Act, *see United States v. Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995); *see also* Dkt. [15] at 15–19, the Court is satisfied, for the reasons provided by the United States in the CIS, that the proposed final judgment is in the public interest. In addition to the reasons provided in the CIS, this finding is supported by the voluntary nature of the proposed resolution and that no member of the public submitted any comments at all, let alone any comments in opposition to the proposed final judgment. Accordingly, the Unopposed Motion (Dkt. [21]) seeking entry of a final judgment is granted. Enter separate final judgment order. Any remaining deadlines and hearings are stricken. Civil case terminated. Mailed notice. (exr, )

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